

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE E. EASTERLY,

Defendant.

Case No. 16-cr-40012-JPG-001

MEMORANDUM AND ORDER

This matter comes before the Court on a December 20, 2021, letter received from defendant Kyle E. Easterly, which the Court construes as a motion for a sentence reduction (Doc. 306). Easterly asks the Court to correct an error in his sentencing guideline calculation.

The Court has entered final judgment in this case and no longer has jurisdiction to modify that judgment in these circumstances. “Once a district court imposes a criminal sentence, its authority to revisit that sentence is limited, and must be founded on a specific statute or rule.”

United States v. Wiggins, 798 F. App’x 949, 950 (7th Cir. 2020) (citing *United States v. Johnson*, 571 F.3d 716, 717 (7th Cir. 2009)):

For a brief period after sentencing the court may entertain a motion to reconsider, *United States v. Healy*, 376 U.S. 75, 84 S.Ct. 553, 11 L.Ed.2d 527 (1964); *United States v. Rollins*, 607 F.3d 500, 502-04 (7th Cir.2010). Otherwise the court is limited by 18 U.S.C. § 3582(c), which precludes modification of a prison term except on motion of the Bureau of Prisons, *id.* § 3582(c)(1)(A), or when a retroactive amendment to the guidelines would lower the defendant’s imprisonment range, *id.* § 3582(c)(2), or when “expressly permitted by statute or by Rule 35,” *id.* § 3582(c)(1)(B). See *United States v. Redd*, 630 F.3d 649, 650–51 (7th Cir.2011); *United States v. Poole*, 550 F.3d 676, 678 (7th Cir.2008); *United States v. Lawrence*, 535 F.3d 631, 637 (7th Cir.2008).

United States v. Jumah, 431 F. App’x 494, 496 (7th Cir. 2011).

Easterly has not pointed to any statute or rule that would allow correction of the

sentencing error he asserts. Furthermore, there is no need for appointment of counsel until Easterly can identify legal authority for a colorable, legitimate request for a reduction. Accordingly, the Court **DENIES** his motion for a sentence reduction and his request for counsel (Doc. 306).

IT IS SO ORDERED.

DATED: January 10, 2022

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE